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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA,) No. 4:18-0056 JST
17 Plaintiff,)
18 v.) STIPULATION AND ~~PROPOSED~~
19 SERGIO STEVEN VASQUEZ-GONZALEZ;) PROTECTIVE ORDER
20 SERGIO RUBALCABA; ARTURO)
21 VAZQUEZ, JR.,)
22 Defendants.)

23 With the agreement of the parties, the Court enters the following Protective Order:

24 Defendants are charged with violations of 21 U.S.C. § 846 and 841(a)(1). Having received a
25 discovery request, the United States will produce documents and other materials pertaining to the
26 defendants and the charged offenses to defense counsel. The discovery to be provided includes
27 documents or other materials falling into one or more of the following categories (collectively,
28 “Protected Information”):

29 1. Personal Identifying Information of any individual (other than his or her name), including
30 without limitation any person’s date of birth, social security number, residence or business address,
31 telephone numbers, email addresses, driver’s license number, professional license number, family

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1 member's names, or criminal histories ("Personal Identifying Information");

2 2. Financial information of any individual or business, including without limitation bank
3 account numbers, credit or debit card numbers, account passwords, contact information, and taxpayer
4 identification numbers ("Financial Information");

5 3. Documents related to court-authorized wiretaps (including applications, affidavits,
6 orders, reports, transcripts and line sheets, and audio recordings), pen register applications and orders,
7 and search warrant affidavits, which documents are currently under seal and may contain information
8 regarding ongoing investigation and individuals who have not been charged in a criminal case; and

9 4. Medical records or other patient information of any individual covered by the Health
10 Insurance Portability and Accountability Act of 1996 (HIPAA) ("Medical Information").

11 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,

12 IT IS HEREBY ORDERED that defense counsel of record, their investigators, assistants, and
13 employees (collectively, "the defense team") may review with defendants all discovery material
14 produced by the government, but shall not provide a defendant with copies of, or permit a defendant to
15 make copies of, or have unsupervised access to, any discovery material produced by the government that
16 contains Protected Information, unless that information has first been entirely redacted from the
17 discovery materials. The government and defense counsel are ordered to work together to ensure that
18 these materials are protected, but that each defendant has as much access to the materials as can be
19 provided consistent with this Court's order. Discovery material that clearly pertains to a specific
20 defendant and does not contain Protected Information regarding any other person (e.g., defendant's own
21 bank records, telephone records, and business records) may be provided to that defendant unredacted.

22 Defense counsel may also provide unredacted copies of Protected Information to any experts
23 retained to assist with the preparation of the defense in the captioned case. The defendants, all members
24 of the defense team, and any experts who receive discovery under this Order shall be provided a copy of
25 this Order along with those materials and shall initial and date the order reflecting their agreement to be
26 bound by it.

27 The materials provided pursuant to this protective order may only be used for the specific
28 purpose of preparing or presenting a defense in this matter unless specifically authorized by the Court.

This Order shall also apply to any copies made of any materials covered by this Order.

IT IS FURTHER ORDERED that neither a defendant nor any member of the defense team shall provide any discovery material produced by the government—whether or not the material constitutes or contains Protected Information within the meaning of this Order—to any third party (i.e., any person who is not a member of the defense team) or make any public disclosure of the same, other than in a court filing, without the government’s express written permission or further order of this Court. If a party files a pleading that references or contains or attaches Protected Information subject to this Order, that filing must be under seal.¹

IT IS FURTHER ORDERED that at the conclusion of proceedings before this Court, defense counsel may retain copies of discovery material in its files, including Protected Information. In the event new counsel is retained or appointed for purposes of appeal or other post-conviction proceedings, defense counsel may provide copies of discovery material only if that subsequent counsel agrees in writing to be bound by the same terms provided by this Protective Order, and agrees in writing that this Court will have jurisdiction to review any alleged violation of the terms of this Protective Order by subsequent counsel.

IT IS SO STIPULATED.

Dated: March 21, 2018

ALEX G. TSE
Acting United States Attorney

/s/
ANDREW F. DAWSON
NIKHIL BHAGAT
Assistant United States Attorneys

/s/
MICHAEL STEPANIAN
Counsel for Defendant Vasquez-Gonzalez

/s/
JULIANA DROUS
Counsel for Defendant Vazquez

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¹ This Order authorizes such filings under seal and the parties are not required to seek additional authorization from the Court to do so.

IT IS SO ORDERED.

Dated: March 23, 2018

/s/
BRENDAN HICKEY
Counsel for Defendant Rubalcaba

HONORABLE JON S. TIGAR
United States District Judge

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